

**MEMO ENDORSED**

**HOLWELL SHUSTER & GOLDBERG LLP**

October 3, 2023

VIA ECF

The Honorable Katherine Polk Failla  
United States District Court for the Southern District of New York  
40 Foley Square

New York, New York 10007

Re: *In re Blue Skye Financial Partners S.à r.l.*, No. 1:22-mc-00171-KPF (S.D.N.Y.)

Dear Judge Failla,

We write on behalf of petitioner Blue Skye Financial Partners S.à r.l. (“Blue Skye”) to respectfully request permission for leave to file a pre-motion letter brief and accompanying exhibit provisionally under seal, with redacted versions filed publicly, until the respondent in this proceeding has an opportunity to show why these documents should remain sealed, as it is petitioner’s position that sealing is unwarranted.

The document to be filed with redactions is a pre-motion letter brief to be filed today, October 3, 2023, along with an exhibit which is to be filed under seal (Exhibit A to the October 3 pre-letter motion). Both the pre-motion letter and its accompanying Exhibit A contain information subject to a protective order in this proceeding. *See* Dkt. 62 (memo endorsement of protective order).

Petitioner respectfully submits that none of the information contained in the pre-motion letter or in Exhibit A reflects information that petitioner believes can be sealed under the strict standard governing sealing in this Circuit. *See Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006); *see also* Individual Rule ¶ 9 (“Electronic Filing Under Seal in Civil and Miscellaneous Cases”). Therefore, petitioner believes that the information submitted here should be unsealed. Nevertheless, in order to comply with the protective order between the parties, petitioner asks the Court to order provisional sealing of the material so as to allow EMC time to move for permanent sealing.

Respectfully submitted,  
/s/ Vincent Levy

Application GRANTED. The Clerk of Court is directed to maintain docket entry 71 under seal, viewable only to the parties and the Court. The Clerk of Court is further directed to terminate the pending motion at docket entry 69.

SO ORDERED.

Dated: October 5, 2023  
New York, New York



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE